

HOUSE BILL NO. 218

INTRODUCED BY B. OLSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO MOSQUITO CONTROL DISTRICTS; ALLOWING A BOARD OF COUNTY COMMISSIONERS TO CREATE A MOSQUITO CONTROL DISTRICT BY ADOPTING A RESOLUTION OF INTENT; REDUCING THE PERCENTAGE OF ELECTORS OR PROPERTY OWNERS REQUIRED TO SUBMIT A PETITION FOR THE CREATION OF A MOSQUITO CONTROL DISTRICT; ~~REDUCING THE PERCENTAGE OF ELECTORS OR PROPERTY OWNERS REQUIRED TO SUBMIT A PETITION FOR THE ANNEXATION OF LAND INTO AN EXISTING DISTRICT;~~ REDUCING THE PERCENTAGE OF ELECTORS OR PROPERTY OWNERS REQUIRED TO SUBMIT A PETITION FOR THE ANNEXATION OF LAND INTO AN EXISTING DISTRICT; GIVING A BOARD OF COUNTY COMMISSIONERS DISCRETION TO CREATE A MOSQUITO CONTROL DISTRICT; AMENDING SECTIONS 7-22-2403, 7-22-2408, 7-22-2409, ~~7-22-2441, 7-22-2441,~~ AND 7-22-2442, MCA; ~~AND REPEALING SECTIONS 7-22-2404, 7-22-2406, AND 7-22-2407, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-22-2403, MCA, is amended to read:

"7-22-2403. ~~Petition to create~~ Creation of mosquito control district -- hearing required -- notice provisions. (1) ~~When Proceedings for the creation of a mosquito control district may be initiated by:~~

(a) a resolution of intent adopted by the county commissioners; or

(b) a petition, signed by at least ~~25%~~ 10% of the qualified electors of the proposed district or ~~25%~~ 10% of the owners of any property within the boundaries whose names appear as property owners on the last-completed assessment roll of the county in which the proposed district is situated, ~~is presented to the board of commissioners of the county asking for the creation of a mosquito control district, the commissioners shall set a day for a hearing on the petition and order notice of the hearing to be given to all persons interested.~~

(2) The resolution or petition must contain the boundaries of the proposed district and, in the case of a petition, must be accompanied by sufficient funds to defray the cost of mailing, publication, and posting of the notice required in subsection (4).

~~(2)(3)~~ (3) The commissioners by resolution shall ~~fix~~ set a time for a hearing ~~on the petition~~ at not less than

1 2 or more than 4 weeks from the time of the adoption of the resolution or the presentation of the petition unless
2 additional time is needed to prepare a survey and study as authorized by this subsection. Before setting a time
3 for a hearing, the commissioners may ~~cause~~ authorize a survey and study of the area ~~sought~~ to be included in
4 the district ~~to be made~~ by competent personnel and may submit a report of the study to the department of public
5 health and human services for its review and recommendations.

6 (4) (a) The commissioners shall mail a notice of the hearing provided for in this section, in the manner
7 provided for in 7-1-2122, to each nonresident property owner and purchaser under contract for deed of taxable
8 real and personal property within the proposed district.

9 (b) The commissioners shall publish the notice of the hearing, as provided in 7-1-2121, in each county
10 in which the territory of the proposed district lies.

11 (c) The notice must state that any qualified elector or owner of property lying within the boundaries of
12 the proposed district may appear before the commissioners at the time of the hearing and show cause why the
13 district should not be created or may file a written objection to the creation of the district at any time before the
14 date of the hearing."

15
16 **Section 2.** Section 7-22-2408, MCA, is amended to read:

17 **"7-22-2408. Hearing ~~on~~ petition to create district.** (1) At the time ~~fixed~~ set for the hearing, the
18 commissioners shall determine whether or not the petition complies with the requirements set forth in this part
19 and whether or not the notice has been published or posted as required.

20 (2) At the hearing, the board shall hear all competent and relevant testimony offered in support of or
21 in opposition to the ~~petition and~~ creation of the district and shall also consider the written objections to the
22 creation of the district.

23 (3) Except as provided in 7-22-2409, if the commissioners, ~~upon~~ after the hearing, determine there has
24 been compliance with all of the requirements, they ~~shall~~ may, by an order made and entered on their minutes,
25 declare the district created, ~~setting and set~~ set forth the name and boundaries of the district and the description of
26 land contained within the district."

27
28 **Section 3.** Section 7-22-2409, MCA, is amended to read:

29 **"7-22-2409. Adjournment of hearing.** (1) The hearing may be adjourned for determination of facts,
30 but an adjournment may not exceed a total of 2 weeks from the date originally noticed and published for the

1 hearing.

2 (2) (a) If at the time of the hearing the commissioners find that a geographical area desires exclusion
3 from the area contained within the boundaries of the proposed district, the hearing may be adjourned to permit
4 the commissioners to consult the department of public health and human services to determine if it would be
5 advisable to exclude the geographical area from the district.

6 (b) ~~Upon reconvening~~ If the commissioners create the district, the commissioners shall define and
7 establish the boundaries that are advisable upon reconvening the hearing."

8
9 ~~Section 4. Section 7-22-2441, MCA, is amended to read:~~

10 ~~"7-22-2441. Annexation of land to mosquito control district. Any such A district at any time~~
11 ~~subsequent to its creation may be enlarged to include adjacent land upon the presentation to the board of county~~
12 ~~commissioners of a petition signed by not less than 25% 10% of the electors within the adjacent land or 25%~~
13 ~~10% of the owners of any property lying within the boundaries of the area proposed to be annexed to the district~~
14 ~~whose names appear as such the property owners upon the last completed assessment role of the county in~~
15 ~~which the said proposed area is situated."~~

16
17 ~~SECTION 4. SECTION 7-22-2441, MCA, IS AMENDED TO READ:~~

18 ~~"7-22-2441. Annexation of land to mosquito control district. Any such A district at any time~~
19 ~~subsequent to its creation may be enlarged to include adjacent land upon the presentation to the board of county~~
20 ~~commissioners of a petition signed by not less than 25% 10% of the electors within the adjacent land or 25%~~
21 ~~10% of the owners of any property lying within the boundaries of the area proposed to be annexed to the district~~
22 ~~whose names appear as such THE property owners upon the last completed assessment role of the county in~~
23 ~~which the said proposed area is situated."~~

24
25 **Section 4.** Section 7-22-2442, MCA, is amended to read:

26 **"7-22-2442. Hearing on petition for annexation -- notice.** If ~~any such a~~ petition for enlargement of
27 an existing district is presented, the board of county commissioners shall set a time for a hearing ~~thereon~~ and
28 shall ~~cause give~~ give notice ~~thereof to be given~~ in the manner provided by ~~7-22-2406 and 7-22-2407~~ 7-22-2403."

29
30 **NEW SECTION. Section 5. Repealer.** Sections 7-22-2404, 7-22-2406, and 7-22-2407, MCA, are

1 repealed.

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3 NEW SECTION. SECTION 6. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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